

REMARKS

Claims 1-2, 4-7, 9, 14-21, 23 and 25 were examined by the Office, and in the Office Action of February 5, 2008 all claims are rejected. With this response claims 1, 7, 9, 14-15, 17, 19, 21 and 23 are amended, and claim 25 is cancelled without prejudice. All amendments are fully supported by the specification as originally filed. Support for the amendments can be found at least from page 4, lines 30-35 of the specification. Applicant respectfully requests reconsideration and withdrawal of the rejections in view of the following discussion.

Claim Objections

Claims 9, 21, 23 and 25 are objected to as being improper dependent claims. In response, claims 9, 21 and 23 are amended to independent form by incorporating the limitations from claim 1, 14 and 7 respectively. Claim 25 is cancelled, and therefore the objection to claim 25 is moot. Accordingly, applicant respectfully requests withdrawal of the objections to claims 9, 21 and 23.

Claim Rejections Under § 103

In section 5, on page 3 of the Office Action, claims 1-2, 4-7, 9, 14-21, 23 and 25 are rejected under 35 U.S.C. § 103(a) as unpatentable over Theimer et al. (U.S. Patent No. 5,493,692) in view of Skladman et al. (U.S. Patent No. 7,181,495). Applicant respectfully submits that claim 1 as amended is not disclosed or suggested by the cited references, either alone or in combination. Claim 1 is amended to recite selecting a user profile stored in the mobile terminal device on the basis of automatically received position information of the mobile terminal device. Therefore, the amendments to claim 1 state that the selected user profile is based on position information of the mobile terminal device. The cited references at least fail to disclose or suggest this limitation of claim 1.

In contrast to claim 1, Theimer relates to a system that perceives contextual attributes for a recipient user, including display devices in close proximity to the user, and determines a display property for an electronic message based on the contextual attributes, the user profile properties of the user, and the level of privacy and level of

priority of the electronic message. See Theimer Abstract. Theimer at most discloses displaying or not displaying the electronic message based on the user profile properties of the user and contextual information, but does not disclose or suggest selecting the user profile based on position information, as recited in claim 1. For example, in Theimer the current state and context of the user including available display devices at the user's current location is examined. In addition, the profile and policy information is examined for the user, and based on the information a display property is determined which indicates how the message should be delivered. See Theimer column 25, lines 17-30. However, since the display property is dependent upon the user profile, which is independent from the current context of the user, the user profile is not selected based upon automatically received position information. Therefore, Theimer fails to disclose or suggest all of the limitations recited in claim 1.

Skladman fails to make up for the deficiencies in the teachings of Theimer identified above, since Skladman is only concerned with a messaging system for notifying subscribers of incoming e-mail message including an e-mail system communicating with a notification system. Skladman is completely silent with respect to position information, and therefore Skladman cannot make up for the deficiencies in the teachings of Theimer identified above.

Independent claims 7, 9, 14, 19, 21 and 23 contain limitations similar to those recited in claim 1, and therefore are not disclosed or suggested by the cited references for at least the reasons discussed above in relation to claim 1.

The claims depending from the independent claims are also not disclosed or suggested by the cited references at least in view of their dependencies.

Conclusion

It is therefore respectfully submitted that the present application is in condition for allowance and such action is earnestly solicited. The Commissioner is hereby authorized to charge to Deposit Account No. 23-0442 any fee deficiency required to submit this paper.

Respectfully submitted,

Dated: 5 May 2008

Keith R. Obert
Keith R. Obert
Attorney for Applicant
Registration No. 58,051

WARE, FRESSOLA, VAN DER
SLUYS & ADOLPHSON LLP
Building Five, Bradford Green
755 Main Street, P.O. Box 224
Monroe, CT 06468
Telephone: (203) 261-1234
Facsimile: (203) 261-5676
USPTO Customer No. 00495